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July 8, 2022

**VIA ELECTRONIC MAIL**

Clarissa Kang  
Trucker Huss, APC  
135 Main Street, 9<sup>th</sup> FL  
San Francisco, CA 94105

Re: LD et al. v. United Behavioral Health, et al., Case No. 4:20-cv-02254-YGR-JCS.  
Plaintiffs' Proposed Deposition Topics to Apple.

Dear Clarissa,

Following our July 7, 2022 meet and confer regarding the deposition subpoena issued by Plaintiffs to Apple, Plaintiffs are providing the proposed topics for a limited, remote, deposition. Plaintiffs agree to limit the deposition to no more than two hours and believe that less time would be needed. Plaintiffs would also provide any document exhibits that would be used by Plaintiffs during the deposition in advance of the deposition. We believe that this would be the least burdensome route on Apple. As to a written deposition as was also discussed, the questions would be likewise limited and similar to the proposed topics:

Proposed Topics:

1. The amount of program fees paid by Apple from January 1, 2015 to present, for the 'Facility Reasonable & Customary' program administered by United.
2. Apple's understanding of the 'Facility Reasonable & Customary' program administered by United. 'Understanding' includes Apple's understanding of the method and data used to determine 'reasonable and customary' amounts, if this amount was based upon charges of similar providers in the same geographic area, and Apple's understanding of the 'percentile' used by the program in determining these amounts. Also, whether Apple understood or expected that this amount would be similar to or based on the FAIR Health data or other data that provide to the public information on healthcare costs.
3. Apple's communications to its employees regarding the 'Facility Reasonable & Customary' program, including whether the program would prevent out-of-network providers from balance billing members or how the program would otherwise affect balance billing of members. This includes Apple's communications with members



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regarding balance bills received by members for claims under the 'Facility Reasonable & Customary' program.

4. The marketing of out-of-network programs to Apple by United.
5. Apple's involvement in drafting and understanding of the language related to the 'Facility Reasonable & Customary' program in the Administrative Services Agreement (including amendments thereto) and plan documents provided to plan members.
6. Apple's understanding of whether healthcare providers agreed to amounts paid using the 'Facility Reasonable & Customary' program.

These topics are intended to be narrowly targeted and tailored. We are happy to discuss them further and provide clarifications to that end as well.

Kind regards,

ARNALL GOLDEN GREGORY LLP

/s/ Aaron R. Modiano

Aaron R. Modiano